

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

GAILAND K. BREDE,)
Plaintiff,)
v.) No. _____
AMERICAN SECURITY)
INSURANCE COMPANY,)
Defendant.)

NOTICE OF REMOVAL

Defendant, American Security Insurance Company (“ASIC”), files this Notice to remove to this Court an action brought against them and currently pending in the Circuit Court for Roane County, Tennessee, bearing Docket No.14168, and with respect thereto would show this Court as follows:

I.

The above-styled cause was commenced in the Circuit Court for Roane County, Tennessee, Case No. 14168, by virtue of a Complaint filed by Plaintiff, Gailand K. Brede, on October 13, 2008, against Defendant. The Complaint alleges, among other things, breach of contract against Defendant. Defendant ASIC was served with process through the Tennessee Department of Commerce and Insurance on October 21, 2008. Pursuant to 28 U.S.C. § 1446(a), a copy of the aforementioned Complaint, along with a copy of process, is attached hereto and made a part of this Notice by reference.

II.

The time period within which Defendant is required to file this Notice of Removal pursuant to 28 U.S.C. § 1446 has not yet expired. Since October 21, 2008, the date on which Defendant was served with the summons and a copy of the Complaint, there have been no other proceedings in this case in the Circuit Court of Roane County, Tennessee.

III.

This action is one of a civil nature for damages claimed as a result of breach of contract and this Court has original jurisdiction over Plaintiff's action under the provisions of 28 U.S.C. § 1332. Specifically, this action involves citizens from different states and the matter in controversy exceeds the sum of \$75,000.00. Therefore, this Court has original jurisdiction.

IV.

The requisite diversity of citizenship exists, as provided in 28 U.S.C. § 1332. Plaintiff, at all times material to the Complaint, was a resident and citizen of Tennessee. Defendant American Security Insurance Company, at all times material to the complaint, was a Delaware corporation with its principal place of business in the state of Georgia. The jurisdictional amount in controversy exceeds \$75,000.00.

V.

Defendant files herewith a copy of all process, pleadings and orders served upon all parties to this action.

VI.

The allegations of this Notice are true and correct and within the jurisdiction of the United States District Court for the Eastern District of Tennessee, and this cause of action is removable to the United States District Court for the Eastern District of Tennessee.

WHEREFORE, Defendant, American Security Insurance Company files this Notice for the purpose of removing this action from the Circuit Court for Roane County, Tennessee, to the United States District Court for the Eastern District of Tennessee.



S. Russell Headrick, B.P.R. No. 5750
Ashley Meredith Lowe, B.P.R. No. 20867
Attorneys for Defendant
American Security Insurance Company

BAKER, DONELSON, BEARMAN
CALDWELL & BERKOWITZ, P.C.
900 S. Gay Street, Suite 2200
Knoxville, Tennessee 37902
(865) 549-7000

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing **Notice of Removal** has been served upon the following persons by delivering same to the offices of said counsel, or by mailing same to the offices of said counsel by United States Mail with sufficient postage thereon to carry the same to its destination.

Anthony M. Avery, Esq.
The Farragut Building
Suite 600
530 S. Gay Street
Knoxville, Tennessee 37902

Angela Randolph
Circuit Court Clerk
Roane County Circuit Court
P.O. Box 73
Kingston, Tennessee 37763

This the 14th day of November, 2008.

S-MW

Attorney